

Applicant: Henderson et al.
Application Serial No.: 09/994,551
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REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 1-5, 12, 13 and 18-20 are in the application. Claims 6-11, 14-17 and 21-56 have been withdrawn in view of a previous election. Claim 1 has been amended.

In the Office Action, the Examiner rejected claims 1-5, 12, 13, 18 and 19 under 35 U.S.C. §102(b) as being anticipated by Shors (U.S. Patent No. 4,969,896).

Shors is directed to a vascular graft prosthesis which includes a tube 20, ribs 60 and a wrap or sleeve 70 about the ribs 60. As pointed out at column 2, lines 38-55, the ribs 60 act to space the wrap 70 from the tubular body 20. The spacing provided by the ribs 60 allows for expansion of the tube resulting from an internal pressure increase. (column 4, line 63-column 5, line 5). The wrap 70, however, restricts the radial expansion of the tube so as to maintain overall compliance of the structure within a surrounding body vessel. (column 5, lines 6-15). The wrap 70 is to be "loosely stretched or placed over the entire prosthesis so that the wrap bridges between adjacent ribs 60". (column 4, lines 49-51) (emphasis applied).

Amended claim 1 is directed to an arterio-venous shunt graft comprising a tubular body having ribs, "said ribs having uncovered portions for direct contact with surrounding body tissue". In contrast, the Shors prosthesis specifically requires a wrap about the ribs of the tubular body, such that no portions of the ribs are uncovered for direct contact with surrounding body

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tissue. (See, e.g., column 4, line 11 of Shors). In addition, there is no suggestion to avoid utilizing the sleeve 70, since it is a desired element in providing compliance to the Shors device. It is respectfully submitted that claim 1, along with dependent claim 2-5, 12, 13, 18 and 19, are patentable over Shors.

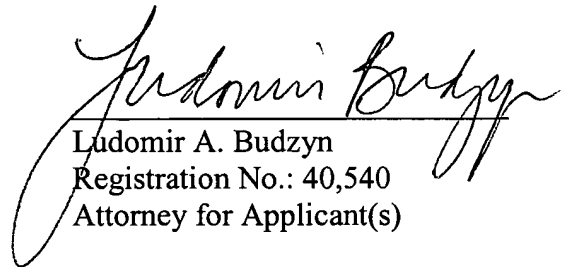
The Examiner rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Shors in view of Kalis (U.S. Patent No. 5,609,624). The Examiner admitted that Shors "fails to disclose specifically that the ribs are made of expanded polytetrafluoroethylene (ePTFE)." The Examiner asserted that Kalis overcomes this deficiency.

As pointed out above, the outer wrap 70 of Shors is required. Accordingly, there is no motivation to combine Shors and Kalis to modify Shors to eliminate the wrap 70. (See, MPEP §2143.01 ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.")). Claim 20 depends from claim 1, and it is respectfully submitted that claim 20 is patentable over Shors and Kalis, each taken alone or in combination, for the reasons noted above.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,



Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700